App. F. IX-4

Previous References 192 7.-28 (last.)

File No. 46-27

Serial Nos. 1—4

Later References P

Preserved

General and Revenue Secretariat.

Serial Nos.

Part B for April 28

SUBJECT

Petition on behalf of Mr Bishveshwarnath Badami

Ex

The Chief Engineer
No. P. 6426 26.4.28

I shall thank you to expedite by
the Executive Engineer, may be letter
& settle the matter with Mr Badami.

By. Secretary
11/11/25

H 2/3
P

G. R. S. APP F.III—1] 19

GENERAL AND REVENUE SECRETARIAT.

( )

NOTES.

Land File No. 44

FILE HEADING.

Police on behalf of Mr. Bhestopaulle Badan owner of No 506 Saluk Cutchery Rd. requesting that the door of his compound be not enclosed by the new compound wall of Police station

FROM B. Vasudeva Mully
Advocate

No. Nil Dated 28/2/28 Received 29/2/28

Diary No.	Enclos.	Spare copies	Serial No.

BRIEF ABSTRACT OF LETTER.

States that he is owner of No. 506, Saluk cutchery Rd which has a door behind the Police station that the proposed compound wall of the Police would enclose his door and request that a free passage should be left: and thanks to be given if an action is taken on the notice.

NOTES AND ORDERS.

1) Sent for perusal. A report may perhaps be called for from the Police Engineer.

Secy 2/3

Mclls
1/3/28

2) Yes 2/3

Land

NOTES—First Sheet.

draft sent
Mclls
2/3/28

492 & 4275

2

dr To the Chief Engineer
No P 5083 /8 5.3.28.
Calls for a report.

Reminder Sent.

Mdlk
26/8/28
27/3

Issued 27/3

Issued 5/4 8/ 30.3.28

Jus.
31.3.

dr3

From the Chief Engineer No 9111. d 5/4/28.
forwards opinion of Superintending Engineer Mysore
Circle with plan and notice and states that
he agrees with the opinion of the Superintending Engineer.

3) Sent for perusal. The plan shows how the access has
been infringed. The land lord appears to be
agreeable to have a small wicket-gate.
The door-way has been in existence. But it
cannot be stated whether the land lord will be able
to establish a right of way. Under these circumstances
it is for orders whether a reply may be given to the
notice and if so in what terms. The Chief Engineer
Mdlk may perhaps be requested to state whether the
9/4/28 proposed shifting has been approved

Ex Engr ?
dr3

4) The proposal of the Supdg Engineer may
perhaps be approved as this will
avoid unnecessary litigation.

CHIEF SECRETARY.
13 APR. 1928

Recd 13/4

Chief Sec
with compts.

12/4

OFFICE OF THE
THIRD MEMBER OF COUNCIL.
14 APR. 1928
No. 10044

5) Third Member.
I have no objection

13/4

6) dr3
Draft in Mdlk 16/4 8/4

4902/27 3

App. F. III—2]

General and Revenue Secretariat.

Law File No. 44 of 1927.

Serial No.	
	7) draft submitted for approval Meera 19/4/28 Whether a reply is necessary to the notice asg for orders 1) the draft was issued, stopped. 2) no reply to the notice seems to be necessary. dey) 19/4

B
1004
4.1.29

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

.275 P&V

B. VASUDEVAMURTHY, B.A. LL.B.,
ADVOCATE

75 CHICKPET,
Bangalore City 28th Feb: 1928.

No

Regd/Ord

4

To

Protection Dte
29/2/28

The Chief Secretary to the Government of His Highness the Maharaja of Mysore, B a n g a l o r e.

Dear Sir,

I am instructed by Mr. Bistopantha Badami Retired Dy: Comptorller, No. 506, Taluq Cutcherry Road, Bangalore City to write and intimate the following to you:-

That my client is the owner in possession of Premises No. 506, Taluq Cutcheery - Road, Bangalore City situated on the Narasimha Raja Square, That at the Eastern and South Eastern corner opposite the new Police Station is being put up the foundation for a wall with a view to build a compound wall - enclosing the Police Station and its premises That in the compound wall belonging to my - client on the Esstern side i.e., just behind the Police Station my client has a door way which

which has been in existence for long over 40 years and which he has been using for ingress and egress from his own premises, and for the removal of the sweepings of his compound and night-soil from his latrines. That he fears by ~~your~~ putting up the compound wall without duly providing for a free, unobstructed and clear passage to the high road from his door, the Municipality will be shutting out access to the said door and encroach upon his rights of passage and easements, seriously inconvenience him and prejudically affect the use by him of his own premises causing enormous depreciation and loss to him.

That under the impression that this wall was being run up by the Municipality my client issued a notice to the Commissioner the Municipality who has not however

B VASUDEVAMURTHY, B.A. LL.B.,
ADVOCATE
75 CHICKPET,
Bangalore City

No.

however replied thereto though he was served with it so far back by registered Post. My client now learns that the Police station and its compound belongs to Government and that the Government is putting up the new compound wall.

That he has therefore instructed me to write this to you to bring the above facts to your notice and to request the Government to avoid putting up a wall without duly providing for a free passage - to him on to the street, and not to enclose his door within the Police Station compound. My client trusts you will kindly see your way to arrange that my client's rights and conveniences are not encroached upon or affected and give suitable instructions to the persons concerned to arrange for a free and proper way on to the road to my client which he has being enjoying hitherto.

I-f

If in spite of this no satisfactory arrangement is made in this matter my client will be compelled to go to Court for redress and requests you to treat this as a notice under Section 80 of the Code of Civil Procedure.

Yours faithfully,

P Vasudevamurthy

Advocate.

P. F. VI. 61]

JBJECT.....

.....

.....

Section

File No.

Serial No. 2

No. 5083(1)

y No. of letter replied to.....

General and Revenue Secretariat

the *192*

e of issue..... 5/3/28

d by..... M' A S

To The Chief Engineer
Mysore

Sir,

I have the honour to forward herewith a notice dated 28th Feb 1928 from Dr. S. Vaudeva Murthi, Advocate on behalf of Dr. Sri Tapasvi Siddhanti with the matter of obstruction caused by the free access which Siddhanti has to No 506, Nelson Chickanna Road, Bangalore city, by the construction of the compound wall of the Police Station on the

over

List of enclosures.....

Copied by .....

Examined by .....

WD 0325—GPB—8 ,000—26-5-27

Swaminarayan Square
and to report upon the
proposed site to which a report
in the matter returning the
notice with your initials.

Thanks

M. Secy. Board.
Law Dept.
ME
Bldgs

A. P. F. VI. G1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

the *192*

Date of issue 30/3/27

Signed by Mr AS

List of enclosures.....

Copied by 28/3

Examined by .....

Section

File No.

Serial No.

No. 5714

To the Police Inspector

Sir

I am directed to invite reference to the letter No. 5-083 D 5-3-28 forwarding for report the notice from Mr. B. Vasudeva Murthy, Architect of Mr Bhaktapuram Baidam on behalf of the alleged obstruction caused by the construction of the compound wall to the Police Station premises No 506 Tulsi Chetty Rd, by Mr Narasimharaj Square and to request that the report called for thereon may kindly be expedited

I have etc.

over

Secy to Govt Law Dept

AS 29/3/27

4902 P 27.

No. 9111 Urgent.
Encl. 1 Copy of letter
1 Sketch Plan
1 Notice

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE,

Dated Bangalore, 5/4/ 1928

513

FROM

J. Bhore, Esq., A.M.I.C.E., Etc.,
Chief Engineer of Mysore,
Bangalore.

To

B. Nagappa, Esq., Bar-at-Law,,
Secretary to Government of Mysore.
Law Department, Bangalore.

SIR,

Subject:- Construction of a compound wall to the Ulsoor Gate - - - Police Station at Bangalore.

With reference to your letter No.P. 5083 (i)/Law dated the 5th - - March 1928 and subsequent reminder No.P.5714/Law dated the 30th March - 1928, I have the honour to forward herewith, for information, a copy of letter No. 661 dated the 2nd April 1928 received from the Superintending Engineer, Mysore Circle, offering his opinion in regard to the obstructions alleged to have been caused to Mr. Bishtopanth Badami's premises by the construction of the above compound wall. A copy of letter - - - No. 504 dated the 26th March 1928 referred to in the Superintending - - Engineer's letter is also herein enclosed. I agree with the Superintending Engineer

2. The plan showing the position of the door way as it exists at present, and the place where it is proposed to be shifted is also herewith forwarded for perusal.

3. The legal notice dated the 28th February 1928 is herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

J. Bhore 2.4.28
Chief Engineer of Mysore.

H.N.

Letter No. 661 dated the 1/2nd April 1927 from the Superintending Engineer, Mysore Circle, to the Chief Engineer of Mysore.

Anent obstruction to Mr. Bishtopanth Badami's premises No.506 Taluk Cutchery Road, Bangalore City.

In submitting herewith a copy of Bangalore Division Executive - - Engineer's No.504 dated the 26th March 1928 together with its enclosur on the subject, I have the honour to request you will kindly intimate the action to be taken in the matter. I am of opinion - - - however that because the owner of the premises in question was having a door way opening on to Government land unobstructed or unobjected - to for a number of years he cannot lay claim for prescriptive rights and a right of way and, that this Department is not bound to give the proposed doorway.

Letter No. 504 dated the 26th March 1928 from the Executive ---- Engineer, Bangalore Division to the Superintending Engineer, Mysore Circle, Mysore.

In submitting your original memo No. 343 dated the 16th March '28 regarding obstruction to the free access to Mr. Bishtopanth Badami's premises No. 506 Taluk Cutchery Road, Bangalore City, I have the honou to submit herewith a tracing showing the compound wall as constructed around the Ulsur Gate Police Station and the old door way to Mr.Bishtopanth Badami's premises. From the plan it will be seen that the - - - access to his quarters has been obstructed. The Assistant Engineer - has consulted the Land Lord who is agreeable to the door way in his - compound wall being shifted to the South and a wicket gate provided - in his compound wall of the Police Station as shown in the plan. If this is approved, the consent of the Land Lord will be obtained in - - writing and the work will be carried out. This door if taken outside the new compound wall towards the South will look unsightly from the new circle. The door way may have been in existance for all the - - years he claims but it is a point of consideration how he establishes his claim to trespass on Government land-

---

"Copy"

H.N.

Chief Engineer of Mys

To

The Chief Engineer of Mysore,

Bangalore.

Regarding obstruction caused to free access to premises No. 506 Taluk -- Cutchery Road by construction of a compound wall to Police Station, Ulsoor gate.

RP 6426 -- 24.4.28

Sir,

With reference to your letter No. 9111 dated 5th April 1928 regarding the obstruction complained of by Mr. Bistopanth Badami to the use of a doorway to his premises by the construction of a the -- compound wall of the Ulsoor Gate Police Station, I am directed to state that -- necessary action as suggested by the Executive Engineer may be taken to settle the matter with the owner of the premises.

The plan is returned herewith.

I have the etc.,

Secy.to Govt. Law Dept.,

TD.